

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SUPPRESSED

FILED

JUN - 5 2014

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No.
)
RAJU MUKHI,)
)
Defendant.)

4:14CR00173 AGF/NCC

INDICTMENT

The Grand Jury charges that:

1. At all times relevant to this Indictment, RAJU MUKHI, the defendant, was a citizen of the United States. At all times relevant to this Indictment, MUKHI maintained a residence in Saint Louis county, Missouri.

Obligations of United States Taxpayers with Respect to Foreign Financial Accounts

2. Citizens and residents of the United States who have income in any one calendar year in excess of a threshold amount ("United States taxpayers") are obligated to file a U.S. Individual Income Tax Return, Form 1040 ("Form 1040"), for that calendar year with the Internal Revenue Service ("IRS"). On such return, United States taxpayers are obligated to report their income from any source, regardless of whether the sources of their income are inside or outside the United States. In addition, on Schedule B of Form 1040, the filer must indicate whether "at any time during [the relevant calendar year]" the filer had "an interest in or a signature or other authority over a financial account in a foreign country, such as a bank account, securities account, or other financial account." If the taxpayer answers that question in the affirmative, then the taxpayer must indicate the name of the particular country in which the account is located.

3. Separate and apart from the obligation to file Forms 1040, United States taxpayers who have financial interest in, or signature authority over, a financial account in a foreign country with an aggregate value of more than \$10,000 at any time during a particular calendar year are required to file with the IRS a Report of Foreign Bank and Financial Accounts, Form TD F 90-22.1 ("FBAR"). The FBAR for any calendar year is required to be filed on or before June 30 of the following calendar year. The FBAR requires that the filer identify the financial institution with which the financial account is held, the type of account (either bank, securities, or other), the account number, and the maximum value of the account during the calendar year for which the FBAR is being filed.

4. As an United States citizen, the tax-related obligations described in paragraphs 2 and 3, above, fully applied to MUKHI, the defendant.

Mukhi Foreign Accounts

5. RAJU MUKHI, the defendant, maintained at least the following foreign accounts:

a. In or about September 2003, MUKHI opened and caused to be opened Account Number XXX-XXX300 at Clariden Bank styled in the name "Sukhmani Partners II". Sometime in 2008, this account was changed to "Safekeep: XXX-XXX-855". The beneficial owner of the Clariden Bank account was MUKHI.

1. As of the dates listed below, the Clariden Bank account had net assets in the approximate amounts listed below:

Date	Balance
12-31-2003	\$8,306,440
12-31-2004	\$11,588,740
12-31-2005	\$3,448,363
3-31-2006	\$627,501
9-30-2007	\$322,254
12-31-2008	\$299,463
12-31-2009	\$208,761
12-31-2010	\$154,000

b. In or about March 2002, MUKHI opened and caused to be opened Account Number XXX-933 at Goldman, Sachs & Company Bank-Singapore, styled in the name “Sukhmani Partners II Ltd”. The beneficial owner of the Goldman, Sachs & Company Bank-Singapore account was MUKHI.

1. As of the dates listed below, the Goldman, Sachs & Company Bank-Singapore account had net assets in the approximate amounts listed below:

Date	Balance
8-31-2005	\$3,037,524
4-30-2006	\$272,746
12-31-2007	\$195,592
9-30-2008	\$1,377,415
1-31-2009	\$1,360,401
2-28-2010	\$1,240,910

Mukhi's Tax Returns and Failure to File FBARs

6. On or about April 15, 2007, RAJU MUKHI, the defendant, filed and caused to be filed with the IRS a U.S. Individual Income Tax Return, Form 1040, for calendar year 2006. On the return, MUKHI reported total wages of \$51,558, and an Adjusted Gross Income of \$211,865. However, MUKHI falsely and fraudulently failed to report as income dividends, interest, and other income received by him in the Clariden Bank and Goldman, Sachs & Company Bank-Singapore accounts. Also, as a result of his authority over these accounts, MUKHI was required to file an FBAR for calendar year 2006, but MUKHI failed to do so.

7. On or about October 15, 2009, MUKHI, the defendant, filed and caused to be filed with the IRS a U.S. Individual Income Tax Return, Form 1040, for calendar year 2008. On the return, MUKHI reported total income of \$168,649, and an Adjusted Gross Income of \$112,805. However, MUKHI falsely and fraudulently failed to report as income dividends, interest, and other income received by him in the Clariden Bank and Goldman, Sachs & Company Bank-Singapore

accounts. Also, as a result of his authority over these accounts, MUKHI was required to file an FBAR for calendar year 2008, but failed to do so.

8. MUKHI, the defendant, deliberately misled his tax preparers with respect to calendar years 2006 and 2008, among other years, by failing to disclose to his tax preparers, among other things, the existence of the Clariden Bank and Goldman, Sachs & Company Bank-Singapore accounts and the income earned in these accounts.

9. MUKHI's U.S. Individual Income Tax Return, Form 1040, for calendar years 2006 and 2008 contained material misstatements. In Part III of the Schedule B on the returns, MUKHI checked and caused to be checked the box for "NO" when asked if he had interest or signature authority over an account in a foreign country.

Counts 1-2

(Subscribing to False U.S. Individual Income Tax Return)

The Grand Jury charges:

10. The factual allegations of paragraphs 1 through and including 9 are restated as if fully alleged herein.

11. On or about the filing date set forth below, in the Eastern District of Missouri, RAJU MUKHI knowingly did make and subscribe a U.S. Individual Income Tax Return, Form 1040, for the calendar year set forth below, which return contained and was verified by the written declaration of MUKHI that it was made under penalties of perjury, and which return MUKHI did not believe to be true and correct as to every material matter, in that MUKHI: (a) failed to report as income dividends, interest, and other income received by him in a bank, securities or other financial account at Clariden Bank and Goldman, Sachs & Company Bank-Singapore; and (b) failed, on Schedule B, Part II, line 7a, to report that he had an interest in, or a signature or other authority over, bank securities, and other financial accounts in Singapore and Switzerland,

whereas MUKHI then and there well knew and believed that he had received income in accounts at Clariden Bank and Goldman, Sachs & Company Bank-Singapore and had an interest in, or a signature or other authority over, bank securities, or other financial accounts in Singapore and Switzerland:

Count	Calendar Year	Approximate Date of Filing
One	2006	April 15, 2007
Two	2008	October 15, 2009

In violation of Title 26, United States Code, Section 7206(1); and Title 18, United States Code, Section 2.

Counts 3-6

(Willful Failure to File Reports of Foreign Bank and Financial Accounts)

The Grand Jury further charges:

12. The factual allegations of paragraphs 1 through 9 are restated as if fully alleged herein.

13. On or before the filing due dates listed below, in the Eastern District of Missouri, RAJU MUKHI, the defendant, did unlawfully, knowingly, and willfully fail to file with the Commissioner of the IRS an FBAR disclosing that he had a financial interest in, and signature and other authority over, bank securities, and other financial accounts in foreign countries, to wit, at least one foreign bank, securities, and other financial accounts in Singapore and Switzerland, each of which had an aggregate value of more than \$10,000 during the years listed below:

Count	Calendar Year	Due Date to File FBAR
Three	2007	June 30, 2008
Four	2008	June 30, 2009
Five	2009	June 30, 2010
Six	2010	June 30, 2011

In violation of Title 31, United States Code, Sections 5314 and 5322(a); Title 31, Code of Federal Regulations, Sections 103.24, 103.27(c,d), and 103.59(b); and Title 18, United States Code, Section 2.

RICHARD G. CALLAHAN
United States Attorney

A TRUE BILL.

Dianna R. Collins #59641
Assistant United States Attorney

FOREPERSON